

**DECLARATION FOR UTILITY PATENT APPLICATION**

**AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:**

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SELECTING A HYPOTHETICAL PROFILE TO USE IN OPTICAL METROLOGY**, the specification of which is attached hereto unless the following box is checked:

- ☐ was filed on as United States Application Serial No. or PCT International Application No. and was amended on (if applicable).

**WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.**

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:


Application Serial No.	Filing Date

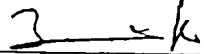
We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

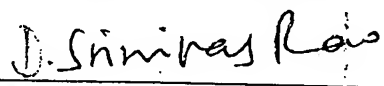
patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

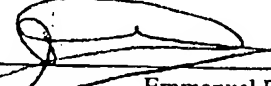
Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

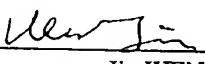
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/22/03  
 Date  
  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: VI VUONG et al.  
Application No./Patent No.: To Be Assigned Filed/Issue Date: Herewith  
Entitled: **SELECTING A HYPOTHETICAL PROFILE TO USE IN OPTICAL METROLOGY**  
**TIMBRE TECHNOLOGIES, INC.**, a California corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_%

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
**[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]**

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9/14/03  
Date

Alan Nolet  
Alan Nolet  
COO  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV32930843518 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9/15/03

Signature:

*Peter V. Kim*  
(Peter V. Kim)

Docket No.: 509982005600  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Vi VUONG et al.

Application No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: Herewith

Examiner: To Be Assigned

For: SELECTING A HYPOTHETICAL PROFILE  
TO USE IN OPTICAL METROLOGY

### POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

TIMBRE TECHNOLOGIES, INC., assignee of the entire right title and interest in the above-identified application by assignment, submitted herewith, hereby appoints the members of the firm of Morrison & Foerster LLP, a firm composed of:

Lisa A. Amii	48,199	Alicia J. Hager	44,140	Kate H. Murashige	29,959
Randolph Ted Apple	36,429	Johney U. Han	45,565	Martin Noonan	44,264
Mehran Arjomand	48,231	Julie L. Heinrich	48,070	Catherine M. Polizzi	40,130
Shantanu Basu	43,318	Laurie L. Hill	51,804	Philip D. Reilly	41,415
Vincent J. Belusko	30,820	Douglas G. Hodder	41,840	James Remenick	36,902
Jonathan Bockman	45,640	Alan S. Hodes	38,185	Robert A. Saltzberg	36,910
Kimberly A. Bolin	44,546	Charles D. Holland	35,196	Robert E. Scheid	42,126
Barry E. Bretschneider	28,055	Arthur S. Hsieh	48,247	Debra A. Shetka	33,309
Nicholas S. Buffinger	39,124	Jill A. Jacobson	40,030	Rebecca Shortle	47,083
Robert K. Cerpa	39,933	Wayne C. Jaeschke, Jr.	38,503	J. David Smith	39,839
Alex Chartove	31,942	Parisa Jorjani	46,813	Kevin R. Spivak	43,148
Peng Chen	43,543	Ararat Kapouytian	40,044	Gerald F. Swiss	30,113
Thomas E. Ciotti	21,013	Richard C. Kim	40,046	Lorna L. Tanner	50,782
Cara M. Coburn	46,631	Cameron A. King	41,897	Shannon Thomas	52,285
Raj S. Dave	42,465	Norman R. Klivans	33,003	Thomas L. Treffert	48,279
Peter J. Davis	36,119	Glenn M. Kubota	44,197	Brenda J. Wallach	45,193

Application No.: To Be Assigned

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Docket No.: 509982005600

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Christopher B. Eide	48,375	Hugh H. Matsubayashi	43,779	Todd W. Wight	45,218
Carolyn A. Favorito	39,183	Michael J. Mauriel	44,226	Eric H. Witt	44,408
David L. Fehrman	28,600	Mika Mayer	47,777	Timothy A. Worrall	PS4,552
Hector G. Gallegos	40,614	Robert S. McArthur	45,674	Bryan H. Wyman	48,049
Deborah S. Gladstein	43,636	Gladys H. Monroy	32,430	David Yang	44,415
Debra J. Glaister	33,888	Scott C. Moore	52,047	Peter J. Yim	44,417
Bruce D. Grant	47,608	Philip A. Morin	45,926	Karen Zachow	46,332
Carol M. Gruppi	37,341	James J. Mullen, III	44,957	Jie Zhou	52,395


as its attorneys, and Manuel B. Madriaga (Reg. No. 45,459) of Timbre Technologies, Inc., at 2953 Bunker Lane, Suite 301, Santa Clara, California 95054, with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith. The aforementioned appointments are to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as partner, employee or of counsel, or with Timbre Technologies, Inc., such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

The assignee certifies that it has reviewed the assignment and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all correspondence regarding this application to the following:

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For: TIMBRE TECHNOLOGIES, INC.

  
Alan Nolet, COO

Dated: 9/14/03